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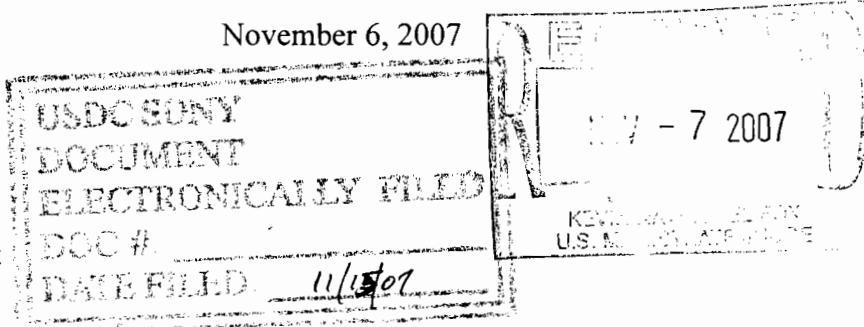
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By hand

Hon. Kevin N. Fox  
 United States District Court  
 500 Pearl Street  
 New York, NY 10007



Re: DB Structured Products, Inc. v. Lender, Ltd., v. CML Direct, Inc., 07 CV 4119 (DLC)

Dear Judge Fox:

I represent third-party defendant CML Direct, Inc. I ask that the settlement conference set for November 13 at 2:30 be adjourned for approximately thirty days, to a date convenient to the court. The reason for the request is that we have only recently appeared, having filed our answer on October 12, and believe that a settlement conference will not be fruitful until we have gotten more information about the claims. Attending the conference means that two client representatives, one from defendant and one from third-party defendant, must travel to New York City from Michigan for a conference that will be less productive now than one month from now.

I have spoken with Mark Kaufman, counsel for Lender, Ltd., who consents to this request. I tried to reach plaintiff's counsel Brendan Zahner, John Doherty, Kerry Cunningham and Richard Hans by telephone, but was unsuccessful. I have left a message with their firm, and will report their response to this request as soon as I have received it.

*11/13/07*

*Application granted.*

*The settlement conference will be held on December 10, 2007, at 2:30 p.m. SO ORDERED:  
 KEVIN NATHANIEL FOX, U.S.M.J.  
 cc (by e-mail):*

Respectfully,

*Dennis M. Rothman*

Dennis M. Rothman

*fm4*

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 John P. Doherty, Esq.  
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